

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

In the Matter of:

**VERONICA WRIGHT**

Debtor

In Bankruptcy:

Case No. 18-55867-mlo

Chapter 7

Hon. Maria L. Oxholm

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**TRUSTEE’S OBJECTION TO  
DEBTOR’S CLAIM OF EXEMPTIONS**

Trustee Timothy J. Miller, by his attorneys Clayson, Schneider & Miller P.C., hereby objects as follows to Debtor’s claim of exemptions:

**JURISDICTION**

- 1) Pursuant to 28 U.S.C. § 157(b)(2)(B) and Fed. R. Bankr. P. 4003, the Bankruptcy Court has jurisdiction over issues relating to disallowance of a debtor’s exemptions.
- 2) Matters involving disallowance of a debtor’s exemptions constitute a “core proceeding” under 28 U.S.C. § 157(b)(2).

**FACTS**

- 3) On November 27, 2018, the Veronica Wright (“Debtor”) filed a voluntary petition under Chapter 7 of the Bankruptcy Code.
- 4) Timothy J. Miller (“Trustee”) is the duly appointed Chapter 7 trustee.

- 5) The deadline to object to Debtor's claim of exemptions is February 1, 2019.
- 6) Debtor has elected to claim exemptions under Michigan's scheme pursuant to 11 U.S.C. § 522(b)(3).
- 7) Debtor has attempted to exempt her interest in certain bank account balances listed as "Checking: Citizens Bank" and "Credit Union: Michigan First Credit Union" under Mich. Comp. Laws § 600.5451(1)(b).

### **ARGUMENT**

- 8) Mich. Comp. Laws § 600.5451(1)(b) allows a Debtor to claim as exempt "...[p]rovisions and fuel for comfortable subsistence of each householder and his or her family for 6 months".
- 9) Mich. Comp. Laws § 600.5451(1)(b) does not apply to bank account balances, and the Debtor's claim of exemption in said bank accounts should be denied.
- 10) This objection is authorized and timely under Fed. R. Bankr. P. 4003.
- 11) Trustee sought to arrange concurrence to the relief sought by this Motion in accordance with L.B.R. 9014-1(h), but Debtor has not been responsive.

**WHEREFORE**, the Trustee prays that the Debtor's claim of exemptions is denied pursuant to the proposed order submitted herewith.

[continued on next page]

Respectfully submitted,

**CLAYSON, SCHNEIDER & MILLER P.C.**

Dated: February 1, 2019

/s/ Peter F. Schneider

Peter F. Schneider (P75256)

Attorneys for Trustee

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**BRIEF IN SUPPORT OF TRUSTEE'S  
OBJECTION TO DEBTOR'S CLAIM OF EXEMPTIONS.**

For the reasons set forth in the Trustee's Motion, filed herewith, the Trustee prays that this Court deny the Debtor's claim of exemptions.

Respectfully submitted,

**CLAYSON, SCHNEIDER & MILLER P.C.**

Dated February 1, 2019

/s/ Peter F. Schneider  
Peter F. Schneider (P75256)  
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645 Griswold, Suite 3900  
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***PROPOSED ORDER GRANTING TRUSTEE’S  
OBJECTION TO DEBTOR’S CLAIM OF EXEMPTIONS.***

The Trustee, Timothy J. Miller (“Trustee”), having filed and served an objection to the Debtor’s claim of exemptions, and there being no response,

**IT IS HEREBY ORDERED** that the Trustee's objection to Debtor’s claim of exemptions is **SUSTAINED**.

**IT IS FURTHER ORDERED** that the Debtor’s claim of exemptions in the bank accounts listed by Debtor as “Checking: Citizens Bank” and “Credit Union: Michigan First Credit Union” are **DENIED**.

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**NOTICE OF TRUSTEE'S OBJECTION  
TO DEBTOR'S CLAIM OF EXEMPTIONS**

Clayson, Schneider & Miller P.C., on behalf of Timothy J. Miller, Trustee, has filed papers with the court entitled Trustee's Objection to Debtor's Claim of Exemptions.

**Your rights may be affected.** You should read these papers carefully and discuss them with your attorney if you have one in the bankruptcy case. (If you do not have an attorney, you may wish to consult with one).

If you do not want the court to grant the relief as set forth above, or if you want the court to consider your views on the motion, within fourteen (14) days, you or your attorney must:

1. File with the Court a written response or answer, explaining your position at:

**United States Bankruptcy Court**  
211 W. Fort St., 17th Fl.  
Detroit, MI 48226

If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above. All attorneys are required to file pleadings electronically.

You must also mail a copy to:

Office of the United States Trustee  
211 W. Fort St.  
Detroit, MI 48226

Peter F. Schneider  
645 Griswold St., Suite 3900  
Detroit, MI 48226

2. If a response or motion is timely filed and served, the clerk will schedule a hearing on the motion and you will be served with a notice of the date, time and location of the hearing. **If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the Motion and may enter an order granting that relief.**

Respectfully submitted,

**CLAYSON, SCHNEIDER & MILLER P.C.**

Dated February 1, 2019

/s/ Peter F. Schneider  
Peter F. Schneider (P75256)  
Attorneys for Trustee  
645 Griswold, Suite 3900  
Detroit, MI 48226  
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**CERTIFICATE OF SERVICE**

Re: Trustee's Objection to Debtor's Claim of Exemptions; Brief in Support of Trustee's Objection to Debtor's Claim of Exemptions; proposed order; notice of opportunity to respond; and certificate of service.

I hereby certify that on the 1st day of February, 2019, I electronically filed the foregoing Paper(s) with the Clerk of the Court using the ECF system which will send notification of such filing to the Office of the United States Trustee and all those listed by the court as receiving electronic notices in this case from the court's CM/ECF system.

I further certify that on the 1st day of February, 2019, in accordance with Fed. R. Bankr. P. 4003(b)(4), copies of the foregoing documents were sent to the Debtor at 17201 Huntington Rd Detroit, MI 48219.

*[continued on next page]*



Respectfully submitted,

**CLAYSON, SCHNEIDER & MILLER P.C.**

Dated: February 1, 2019

/s/ Peter F. Schneider

Peter F. Schneider (P75256)

Attorneys for Trustee

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